

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEANTHONY T. WINSTON

Plaintiff.

Y.

UNITED STATES OF AMERICA,

Defendant.

No. 1:23-cv-01166 JLT GSA (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

ORDER DISMISSING MATTER FOR FAILURE TO OBEY A COURT ORDER

(Doc. 6)

Plaintiff, a federal inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Initially, on August 9, 2023, the assigned magistrate judge struck the complaint because it was not signed but granted him leave to file an amended complaint by September 15, 2023. (Doc. 3) The magistrate judge also ordered Plaintiff to pay the filing fee or apply to proceed in forma pauperis by September 30, 2023. (Doc. 4) Plaintiff took no action. Consequently, the magistrate judge issued findings and recommendations, which concluded that this case should be dismissed due to Plaintiff's failure to obey court orders. (Doc. 6.) The Court served the findings and recommendations on Plaintiff on November 28, 2023 and notified him that any objections were to

1 be filed within 14 days. (*Id.*) Plaintiff did not file objections.¹

2 The Court has reviewed the file and finds the findings and recommendations to be
3 supported by the record and by the magistrate judge's analysis. Accordingly, **IT IS HEREBY**
4 **ORDERED** that:

5 1. The findings and recommendations issued November 29, 2023 (Doc. 6), are

6 **ADOPTED IN FULL.**

7 2. This matter is **DISMISSED** without prejudice for failure to obey a court order.

8 *See Fed. R. Civ. P 41(b); Local Rule 110.*

9 3. The Clerk of Court is directed to **CLOSE** this case.

10 IT IS SO ORDERED.

11 Dated: January 4, 2024


UNITED STATES DISTRICT JUDGE

27 ¹ Plaintiff did file a first amended complaint on December 18, 2023. (Doc. 7.) Because Plaintiff has not
28 filed a proper in forma pauperis application or paid the filing fee in full, the Court is unable to consider the
pleading. *See* 28 U.S.C. § 1915 (a)(1)-(2).